

Municipal Solid Waste Management & Resource Recovery Advisory Council (MSWRRAC) Meeting

Texas Commission on Environmental Quality (TCEQ)

12100 Park 35 Circle, Building E, Room 201S, Austin, Texas

Thursday, January 14, 2021

Members Present

Mr. Scott Trebus
Ms. Risa Weinberger
Mr. Holly Holder
Ms. Cheryl Mergo
Mr. Chuck Rivette
Mr. Jeffrey Mayfield
Mr. Richard McHale
Mr. Scott Pasternak
Mr. Trent Perez
Mr. David Yanke
Ms. Heather Douglas
Mr. David Dillard

Members Absent

Mr. Kevin Martinolich

TCEQ Staff

Ms. Charly Fritz
Mr. Chance Goodin
Mr. Gene Muller
Mr. David Greer
Ms. Diane Barnes
Ms. Bria Patterson
Ms. Kristen Hernandez
Ms. Megan Henson
Mr. Steve Odil

Welcome and Introduction of Members and Guests – Mr. Holly Holder, Council President

- Ms. Barnes took role for the council members.
- Mr. Holder asked everyone in attendance to introduce themselves.

Waste Permits Division (WPD) Update – Ms. Charly Fritz, Deputy Director

- Ms. Fritz new title – Deputy Director
- Legislative Session began January 13, 2021
 - 16 bills analyzed that have agency-wide impact
 - 2 bills for Waste Permits Division
 - HB 631 (Darby) – Local Government and Permitting Process
 - HB 753 (Canes) – Franchises and Servicing Contracts

- Recycling Stakeholder Discussion
 - Ms. Fritz informed the council about the agency's interest in reviewing rule requirements related to safety and compliance concerns at recycling facilities. She presented and requested the council's input for a list of possible stakeholders that should be included if a review was conducted.
 - After council discussion, Mr. Holder requested members to review the list and submit comments and suggested edits to Ms. Barnes by noon on January 21, 2021.

Municipal Solid Waste (MSW) Permits Section Update – Mr. Chance Goodin, Manager

- Coronavirus (COVID-19)
 - Since March 23, 2020, TCEQ has operated primarily via telework. MSW Permits Section is 100 percent operational with using electronic processing for receiving applications and issuing permits.
 - Limited viewing of records in the Central File Room (CFR) available to the public. MSW Permits Section is working with CFR staff on a project to get MSW electronic documents into the TCEQ Records Online system.
- Staffing
 - No new employees
 - Two vacant positions
- 23 major application projects currently in the program; six are registrations.
- Rulemaking Projects
 - Ch 332 (Composting) – Notice clarifications “adjacent vs. affected” and other minor revisions, such as TNRCC name.
 - Potential rulemaking timeline: Proposal: July 2021; Adoption: January 2022
 - Ch 330 (Processors) – New chapter to separate Type V facilities from landfills.
 - Mr. Odil is project lead. No set rulemaking timeline.
- Guidance and Forms Update
 - Waste Acceptance Plan for Type IV or IVAE facilities (Form TCEQ-20890)
 - Part II Application (Form TCEQ-20885)
 - 30 TAC, Subchapter T FAQs – creation of web page to address common questions about regulation requirements for construction activities on land over closed landfills.
- Electronic Checklist Update
 - FY11 - 22 applications, 60 NODs issued, avg. 2.73 NODs/application
 - FY 20 - 20 applications, 43 NODs issued, avg. 2.15 NODs/application

Recycling Market Development Plan – Mr. David Greer, Public Education Section, Manager

- Four virtual, stakeholder meetings held in October 2020.
- An education program, which is also part of this study, kicked off November 15, 2020, with a video and a week of posts and outreach celebrating recycling. Outreach content is available on the takecareoftexas.org website.

Regional Solid Waste Management Plans and Scrap Tires Program Update – Mr. Santos Olivarez and Ms. Megan Henson, Business & Program Services (BPS) Section

- Regional Plans – Mr. Olivarez
 - Submittal goal is January 1, 2022; Agency Adoption goal is August 31, 2022.
 - December 2020, BPS staff held small group meetings to assist regional councils with their questions
 - Update will be presented at Texas Association of Regional Councils February 2021 meeting
- Scrap Tires Program – Ms. Henson
 - October 22, 2020 - First workshop, hosted virtually with the US Tire Manufacturers Association, focused on regulatory issues. There were 110 attendees. Second workshop is expected to be held in April or May 2021.
 - Scrap Tire 2020 annual report – 568 call-in letters were mailed. Report due date is March 1, 2021.

Potential Impacts of the Basel Convention on Texas Recycling Markets - Brittany Rosenberg, Executive Director, State of Texas Alliance for Recycling

- The Basel Convention agreement controls transboundary movement of hazardous wastes and scrap and waste recycling, specifically plastics. Intention was to protect human health and environment. There are 170 member countries; U.S. is not a member.
- Enforcement of 2019 amendments began in 2021
- Agreement works on basis of a few concepts, including prior informed consent and understanding of what is being sold and purchased between two trading parties (member to member or member to nonmember), self-management of waste, and self-determination of hazardous waste.
- Controls hazardous (Annex 1) and household (Annex 2) waste. Not controlled is single type, pre-sorted, clean, uncontaminated material intended for recycling and mixed plastics that are headed for separation and separate recycling at trade destination.
- Ban and Plastic Scrap & Waste Amendments – potential impacts on Texas recycling markets include emphasis on source separation, increased landfilling, lower price of feedstock, and increase in domestic manufacturing and entrepreneurship.

Approval of October 8, 2020 Meeting Highlights

- Mr. Mayfield made a motion to accept the meeting highlights. Mr. Yanke. seconded the motion, and the highlights were approved by the council.

Action Items

- Council members to provide comments and suggested edits for the recycling stakeholder list to Ms. Barnes by noon on January 21, 2021.

Public Comments

- No public comments.

Next Meeting: April 8, 2021

Archived webcast of this meeting is available at
<https://www.youtube.com/watch?v=GYoHoPiKtzw>